

S/N: 10/509,421

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                    |   |                   |             |  |
|--------------------|---|-------------------|-------------|--|
| Applicant:         | Motoyuki Sugiura et al.                               | Docket:           | 14974-46922 | <b>RECEIVED<br/>CENTRAL FAX CENTER<br/>AUG 02 2005</b> |
| Serial No.:        | 10/509, 421   | Confirmation No.: | 7438        |  |
| Intl. Filing Date: | 27 March 2003   | Group Art Unit:   | Unassigned  |  |
| Due Date:          | 30 August 2005  | Examiner:         | Unassigned  |  |
| Title:             | Olefinic Thermoplastic Elastomer and Moldings Thereof |                   |             |  |

CERTIFICATE UNDER 37 CFR 1.8(a):

I hereby certify that this correspondence is being transmitted by facsimile to number 571-273-8300 addressed to Mail Stop: Missing Parts, Commissioner for Patents, United States Patent and Trademark Office on August 2, 2005.

By:   
Name: Tim Tingkang Xia

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

August 2, 2005

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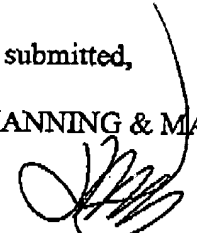
Please charge any additional fees or credit overpayments to **Deposit Account**

No. 50-3537.

Respectfully submitted,

MORRIS, MANNING & MARTIN, LLP

August 2, 2005

  
Tim Tingkang Xia, Esq.  
Reg. No. 45,242  
Attorney for Assignee on the Record  
TTX

MORRIS, MANNING & MARTIN, LLP  
1600 Atlanta Financial Center  
3343 Peachtree Road, N.E.  
Atlanta, Georgia 30326-1044  
Phone: 404-233-7000  
Direct: 404-495-3678  
Customer No. 24728

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**MORRIS, MANNING & MARTIN, LLP**  
ATTORNEYS AT LAW**RECEIVED  
CENTRAL FAX CENTER****AUG 02 2005****FACSIMILE  
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FORM**1600 Atlanta Financial Center  
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Atlanta, Georgia 30326**Facsimile Number: 404-365-9532**

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|              |   |
|--------------|---|
| TO:          | United States Patent & Trademark Office |
| DATE & TIME: | August 2, 2005                          |
| TOTAL PAGES: | Fourteen (14)                           |
| FAX NUMBER:  | 571-273-8300                            |

|                                     |                        |
|-------------------------------------|------------------------|
| FROM: Morris, Manning & Martin, LLP | CHARGE TO: 14974-46922 |
| NAME: Tim Tingkang Xia, Esq.        | CLIENT/MATTER:         |
| PHONE: (404) 233-7000               | CONFIRMATION TIME:     |
|                                     | HR MIN SEC             |

**COMMENTS:**

RE: Serial No. 10/509,421  
Intl Filing Date: 27 March 2003  
Attachments: Transmittal  
Response to Missing Requirements

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S/N: 10/509,421

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

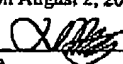
Applicant: Motoyuki Sugiura et al. Docket: 14974-46922  
 Serial No.: 10/509, 421 Confirmation No.: 7438  
 Intl. Filing Date: 27 March 2003 Group Art Unit: Unassigned  
 Due Date: 30 August 2005 Examiner: Unassigned  
 Title: Olefinic Thermoplastic Elastomer and Moldings Thereof

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By:   
 Name: Tim Tingkang Xia

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August 2, 2005

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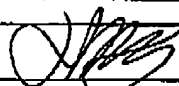
We are transmitting herewith the attached:

- ☒ Transmittal Sheet containing Certificate of Mailing (1 page)
- ☒ Response to Notice to File Missing Requirements Under 35 U.S.C. 371 (3 pages)
- ☒ Part 2 Copy of the Notice to File Missing Requirements Under 35 U.S.C. 371 (2 pages)
- ☒ Declaration/Power of Attorney (4 pages)
- ☒ A Courtesy Copy of Credit Card Authorization Form Paid to the PTO in the Amount of \$1,200.00 (1 page)
- ☒ Credit Card Authorization Form-2038 in the Amount of \$130.00 (1 page)
- ☒ Authorization to charge any additional fee(s) or underpayments of fee(s) and credit any overpayments under 37 CFR 1.16 and 1.17 (1 page)

**CLAIMS AS FILED**

| Number of Claims Filed<br>(Per the Preliminary Amendment)             | In Excess of: | Number<br>Extra | Rate | Fee        |
|---|---------------|-----------------|------|------------|
| Basic Filing Fee  |               |                 |      | \$300.00   |
| Total Claims  | 20            | 0               | x    | \$50.00    |
| Independent Claims  | 4             | 1               | x    | \$200.00   |
| MULTIPLE DEPENDENT CLAIM FEE:   |               |                 |      | \$50.00    |
| SEARCH FEE:   |               |                 |      | \$500.00   |
| EXAMINATION FEE:  |               |                 |      | \$200.00   |
| FILING FEE:   |               |                 |      | \$120.00   |
| SURCHARGE FOR LATE FILING OF OATH OR DECLARATION & POWER OF ATTORNEY: |               |                 |      | \$100.00   |
| FILING, SEARCH, EXAM & EXCESS CLAIM FEES PREVIOUSLY PAID:             |               |                 |      | \$1,200.00 |
| REMAINING BALANCE DUE:  |               |                 |      | \$1,300.00 |

MORRIS, MANNING & MARTIN, LLP  
 1600 Atlanta Financial Center  
 3343 Peachtree Road NE  
 Atlanta, Georgia 30326  
 404.495.3678  
 Customer No. 24728

By:   
 Name: Tim Tingkang Xia  
 Reg. No.: 45,242  
 TX

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Aug-02-2005 01:10pm From-MORRIS MANNING MARTIN

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|              |   |
|--------------|---|
| TO:          | United States Patent & Trademark Office |
| DATE & TIME: | August 2, 2005                          |
| TOTAL PAGES: | Fourteen (14)                           |
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|        |                               |                    |             |
|--------|-------------------------------|--------------------|-------------|
| FROM:  | Morris, Manning & Martin, LLP | CHARGE TO:         | 14974-46922 |
| NAME:  | Tim Tingkang Xia, Esq.        | CLIENT/MATTER:     |             |
| PHONE: | (404) 233-7000                | CONFIRMATION TIME: |             |
|        |                               |                    | HR MIN SEC  |

COMMENTS:

RE: Serial No. 10/509,421  
Intl Filing Date: 27 March 2003  
Attachments: Transmittal  
Response to Missing Requirements

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S/N: 10/509,421

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Motoyuki Sugiura et al. Docket: 14974-46922  
Serial No.: 10/509, 421 Confirmation No.: 7438  
Intl. Filing Date: 27 March 2003 Group Art Unit: Unassigned  
Due Date: 30 August 2005 Examiner: Unassigned  
Title: Olefinic Thermoplastic Elastomer and Moldings Thereof

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By: 

Name: Tim Tingkang Xia

**RESPONSE TO NOTICE TO FILE MISSING REQUIREMENTS  
UNDER 35 U.S.C. 371 IN THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Mail Stop Missing Parts  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**\*Customer No. 24728\***

August 2, 2005

Sir:

In response to the Notice to File Missing Requirements Under 35 U.S.C. 371 mailed June 30, 2005 ("the Notice"), Applicants enclose herewith:

1. Response to Notice to File Missing Requirements Under 35 U.S.C. 371;
2. Part 2 Copy of the Notice to File Missing Requirements Under 35 U.S.C. 371;
3. Fully-Executed Declaration and Power of Attorney;
4. A Courtesy Copy of Credit Card Authorization Form Paid to the PTO in the Amount of \$1,200.00; and
5. Credit Card Authorization Form-2038 in the amount of \$130.00 (Non-Small Entity).

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S/N: 10/509,421

PATENT

## REMARKS

In the Notice, among other things, it is asserted that "[a]dditional claim fees of \$3,610.00 as a non-small entity" are due. The Examiner indicated that "Applicant must submit the additional claim fees or cancel the additional claims which fees are due."

In response, Applicants respectfully submit that, upon entering the National Stage, Applicants filed a preliminary amendment along with the National Stage application amending the claims by canceling original claims 1-14 and adding new claims 15-34. As it stands, the present application now has 20 claims (claims 15-34) pending with 4 independent claims, and no multiple dependent claim(s). In addition, Applicants attended to the payment of the filing fees, search fees, examination fees, as well as excess claims fees in the total amount of \$1,200.00, a copy of the credit card authorization paid to the PTO in the amount of \$1,200.00 is attached hereto. The fees have been accordingly calculated as set forth below:

## CLAIMS AS FILED

| Number of Claims Filed<br>(Per the Preliminary<br>Amendment)          |   | In Excess<br>of: |   | Number<br>Extra |   | Rate   |   | Fee      |
|---|---|------------------|---|-----------------|---|--------|---|----------|
| Basic Filing Fee  |   |                  |   |                 |   |        |   | \$300.00 |
| Total Claims  |   |                  |   |                 |   |        |   |          |
| 20  | - | 120              | = | 0               | x | 50.00  | = | .00      |
| Independent Claims  |   |                  |   |                 |   |        |   |          |
| 4   | - | 3                | = | 1               | x | 200.00 | = | 200.00   |
| MULTIPLE DEPENDENT CLAIM FEE:   |   |                  |   |                 |   |        |   | 150.00   |
| SEARCH FEE:   |   |                  |   |                 |   |        |   | 500.00   |
| EXAMINATION FEE:  |   |                  |   |                 |   |        |   | 200.00   |
| FILING FEE:   |   |                  |   |                 |   |        |   | 200.00   |
| SURCHARGE FOR LATE FILING OF OATH OR DECLARATION & POWER OF ATTORNEY: |   |                  |   |                 |   |        |   | 130.00   |
| FILING, SEARCH, EXAM & EXCESS CLAIM FEES PREVIOUSLY PAID:             |   |                  |   |                 |   |        |   | 1200.00  |
| REMAINING BALANCE DUE:  |   |                  |   |                 |   |        |   | \$150.00 |

Accordingly, Applicants believe no additional fees are due at this time with the exception of the \$130.00 surcharge for the late filing of the Oath/Declaration & Power of Attorney.

Applicants believe that the submission of these papers complete the filing of all necessary papers and respectfully request that the application be passed along for examination.

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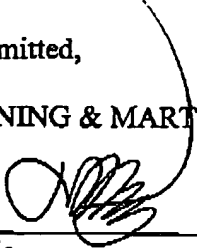
**PATENT**

Please send any future correspondence to Mr. Tim Tingkang Xia at the address associated with Customer Number 24728.

Respectfully submitted,

MORRIS, MANNING & MARTIN, LLP

August 2, 2005

  
\_\_\_\_\_  
Tim Tingkang Xia  
Reg. No. 45,242

MORRIS, MANNING & MARTIN, L.L.P.  
1600 Atlanta Financial Center  
3343 Peachtree Road, N.E.  
Atlanta, Georgia 30326  
404-233-7000 Main  
404-495-3678 Direct  
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www.uspto.gov

|                             |                       |                  |
|-----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/509,421                  | Motoyuki Sugiura      | 14974-46922      |

24728  
MORRIS MANNING & MARTIN LLP  
1600 ATLANTA FINANCIAL CENTER  
3343 PEACHTREE ROAD, NE  
ATLANTA, GA 30326-1044

|                               |               |
|-------------------------------|---------------|
| INTERNATIONAL APPLICATION NO. |               |
| PCT/JP03/03889                |               |
| I.A. FILING DATE              | PRIORITY DATE |
| 03/27/2003                    | 03/27/2002    |

CONFIRMATION NO. 7438  
371 FORMALITIES LETTER



\*OC000000016413802\*

Date Mailed: 06/30/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 09/23/2004
- Copy of the International Search Report filed on 09/23/2004
- Preliminary Amendments filed on 09/23/2004
- Information Disclosure Statements filed on 09/23/2004
- Request for Immediate Examination filed on 09/23/2004
- U.S. Basic National Fees filed on 09/23/2004
- Priority Documents filed on 09/23/2004
- Power of Attorney filed on 09/23/2004

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JUL 05 2005

MORRIS MANNING & MARTIN

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$3610 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

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Total additional fees required for this application is \$3740 for a Large Entity:

- \$130 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is \$ 3610
  - \$3000 for 17 independent claims over 3.
  - \$250 for 25 total claims over 20.
  - \$360 for multiple dependent claim surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice MUST be returned with the response.*

LAMONT M HUNTER

Telephone: (703) 308-9140 EXT 201

**PART 1 - ATTORNEY/APPLICANT COPY**

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/509,421                  | PCT/JP03/03889                | 14974-46922      |

FORM PCT/DO/EO/905 (371 Formalities Notice)

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